



Docket No.: 392.1833

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tatsuhiro UCHIYAMA, et al.

Serial No. 10/698,406

Group Art Unit: 1722

Confirmation No. 3432

Filed: November 3, 2003

Examiner: Heitbrink, Timothy W.

For: INJECTION MOLDING MACHINE METERING AND CONTROL DEVICE (As amended)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

On page 3 of the Notice of Allowability, the Examiner takes the position that the Prior Art fails to disclose or suggest "a screw rotational speed adjustment means for adjusting the screw rotational speed command on the basis of a positional deviation...as set forth on claim 1" It is submitted that the Examiner's statement is not accurate because there is no claim 1. As such, it is submitted that the Examiner's statement is not a suitable reason for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1-16-06

By: _____


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